

**Virginia Soil and Water Conservation Board
Friday, January 23, 2004
Natural Resources Conservation Service
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

David L. Moyer, Chairman
A. Dewey Bond
Ray Dorsett for M. Denise Doetzer
W.P. "Billy" Johnson
Jean Packard

Joseph H. Maroon
Donald O. "Spec" Campen, Jr.
Susan Taylor Hansen
Granville Maitland

Virginia Soil and Water Conservation Board Members Not Present

Linda S. Campbell

Robert M. Hall

Staff Present

Leon E. App
Michael R. Fletcher
Lee Hill
Stuart Wilson

William G. Browning
Jack E. Frye
Mark Meador

Others Present

Lee H. Frame, Lake of the Woods Association
Robin Knepper, Fredericksburg Free Lance-Star

Call to Order

Chairman Moyer called the meeting to order and stated that a quorum was present.

Minutes of the December 10, 2003 Meeting

MOTION: Ms. Hansen moved that the minutes of the December 10, 2003 meeting be approved as submitted.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Director's Report

Mr. Maroon gave an overview of legislation the Department is tracking in the General Assembly session.

Those bills include:

HB 445	Erosion and sediment control and stormwater management inspectors; certificate of competence.
HB 549	Open-space preservation; imposition of additional fee for distribution to Outdoors Foundation.
HB 693	Natural and Historic Resources Fund and Commission; created, report.
HB 883	Conservation easements; holders to have principal office in State.
HB 1177	Stormwater management programs; reorganization.
HB 1271	Soil and water conservation districts; nonpoint source pollution activities.
HB 1283	Erosion & Sediment Control Law; def. of land-disturbing activity incl. certain surface or deep mine.
HJ 72	Nutrient management plans; JLARC to study effectiveness of implementation and performance thereof.
SB 365	Waste and water fee regulations; caps on fee amounts for water permits.
SB 523	Watershed Coordination Program; established.
SB 527	Land and Water Conservation Trust Fund; established.
SB 531	Parks and Natural Areas Bond Act of 2002; issuance of bonds.
SB 569	Natural and Historic Resources Fund and Commission; created, report.

Mr. Maroon briefly reviewed each piece of legislation. He also provided members with a fact sheet regarding HB 1177 Stormwater management programs; reorganization. He noted that stormwater activities currently reside with three state agencies. This legislation would consolidate the state's stormwater management program under DCR and would give the Soil and Water Conservation Board the authority and responsibility to promulgate stormwater management regulations.

Approval of Utility Company Annual Standards and Specifications

Mr. Hill presented a staff recommended motion regarding the Approval of 2004 Annual Standards and Specifications for Utility Companies. He noted that the Board had taken action on this issue at the December meeting and that this motion was a follow up and addressed those requesting a variance.

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2004 annual standards and specifications for electric, natural gas, telecommunications and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2004 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and conditional approval of the annual standards and specifications and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2004 must be submitted by February 13, 2004. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to February 13, 2004 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.state.va.us.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address Linear Projects@dcr.state.va.us. The information to be provided is name, contact information and certification number.

4. Apply all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

Companies recommended for conditional approval with the above 4 conditions are:

Electric: Town of Front Royal

Gas: Virginia Natural Gas, Transco-Williams Gas Pipeline, Columbia Gas

Variances were requested for Minimum Standard 16.a and Minimum Standard 16.b. The responses to the requests for the variances are as follows:

1. Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided all trenches are adequately backfilled, seeded and mulched at the end of each work day and adjacent property and the environment are protected from erosion and sediment damage associated with the regulated land disturbing activity.
2. Minimum Standard 16.b: The variance to this criteria is not necessary due to Minimum Standard 16.f which allows applicable safety regulations to supercede the Virginia Erosion and Sediment Control Regulations.

Companies recommended for conditional approval with the 4 conditions and the variance requests are:

Electric: Dominion Electric Distribution, American Electric Power Corporation

Companies receiving conditional approval of the standards and specifications at the December 10, 2003 Board meeting and the variance requests carried forward to the January 23, 2004 Board meeting are:

Cable: Virginia Cable Telecommunications Association (17 members – Adelphia; Charter; Comcast; Comcast-Alexandria; Comcast-Arlington; Comcast Metro Richmond; Comcast Cablevision-Prince William & Reston; Cox Communications-Hampton Roads; Cox Communications-Northern VA; Cox Communications-Roanoke; First Commonwealth Cablevision; Nelson County Cablevision; NESBE Cable; Shenandoah Cable TV

Company; Tel-Con; Tele-Media Company; AOL Time-Warner Cable).

Railroads: Norfolk Southern

Telecommunications: Virginia Telecommunications Industry Association (16 members – AT&T; Buggs Island Telephone Cooperative; Burkes Garden Telephone Company; Citizens telephone Cooperative; Comcast - Telephone Division; Highland telephone Cooperative; MGW Telephone Company; New Hope Telephone Association; NTELOS; Pembroke Telephone Cooperative; Peoples Mutual Telephone Company; Sprint; Shenandoah Telecommunications; Scott County Telephone Cooperative; TDS Telecom (Amelia, New Castle, Virginia); Verizon).

Gas: Dominion Transmission Inc

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Lake Martin Update

Mr. Wilson noted that the final order had been entered in the Lake Martin court case between Fairfax County and the major developers. The court found in favor of the County with a judgement of \$625,271.

Since that judgement, the developer has withdrawn the appeal and has informed the county and the court that the corporation is insolvent and does not have the funds necessary to pay the judgement.

Mr. Wilson said that the staff recommendation was for the Board to write the County and request a detailed explanation regarding the next actions of the County and the plan for remediation of the damage to Lake Martin.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board strongly recommends that upon completion of the litigation that the first priority for the monies collected by Fairfax County be used to restore Lake Martin to its condition prior to the damage created by developers and that funds remaining should be used to reimburse the County for expenses incurred. Further the Board strongly requests that the County send appropriate representatives

to the next Soil and Water Conservation Board meeting to provide an update on the status of the remediation.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

District Director Resignations and Appointments

Mr. Meador presented the following recommendations for District Director resignations and appointments:

Culpeper

Recommendation of Joseph Baltimore, Culpeper County, to fill vacant elected position (term of office to begin on or before 2/22/04-1/1/08).

Mountain

Resignation of Lee W. Blagg, Highland County, effective 12/31/03, elected director position (term of office expires 1/1/08).

Recommendation of James K. Sponaugle, Highland County, to fill unexpired elected term of Lee W. Blagg, (term of office to begin on or before 2/22/04-1/1/08).

Peter Francisco

Resignation of Clyde P. Brown, Buckingham County, effective 12/31/03, appointed director position (term of office expires 1/1/07).

Recommendation of Terry Seal, Cumberland County, to fill unexpired appointed term of Clyde P. Brown (term of office to begin on or before 2/22/04-1/1/07).

Prince William

Resignation of Susan DeBolt, Prince William County, effective 1/1/04, appointed Extension Agent director position (term of office expires 1/1/05).

Recommendation of Paige E. Thacker, Prince William County, to fill unexpired Extension Agent term of Susan DeBolt (term of office to begin on or before 2/22/04-1/1/05).

Southside

Recomemndation of William V. Purcell, Charlotte County, to fill vacant elected position (term of office to begin on or before 2/22/04-1/1/08).

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment actions as presented by DCR staff and that staff be directed to communicate the Board actions to the affected Soil and Water Conservation Districts.

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Meador presented an appointment request from Henricopolis SWCD.

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the qualifications of Charles Curry to serve as the Secretary/Treasurer of the Henricopolis SWCD and that DCR staff be directed to prepare a letter notifying the Henricopolis SWCD of this action.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

City of Roanoke Petition to Join the Blue Ridge SWCD

Mr. Meador noted that the Board had previously address the request of the City of Roanoke to join the Blue Ridge Soil and Water Conservation District. Because the City request initially included land owned outside the Blue Ridge SWCD the Board had requested a revised petition. The City presented that revised petition excluding the Carvins Cove property. The District concurred with this change.

MOTION: Ms. Packard moved the recommended staff motion that with concurrence by Senior Assistant Attorney General Fred Fisher that the revised petition submitted by the City of Roanoke which now proposes realignment of the Blue Ridge SWCD (BRSWCD) by including solely the City of Roanoke and not including the city owned property of Carvins Cove, satisfies the requirements of state law, and with the concurrence of the BRSWCD directors that they support the revised petition, the Virginia Soil and Water

Conservation Board approves the revised Roanoke City Petition as enabled by § 10.1-510 of the *Code of Virginia* and further directs:

- 1) DCR staff to plan and conduct two public hearings prior to May 1, 2004, one within the City of Roanoke and the other within the Rocky Mount area of Franklin County.
- 2) VSWCB Member _____ to serve as hearing officer for the two sessions.
- 3) DCR staff to publish required public notices of these meetings.
- 4) DCR staff to provide a summary report of the conclusions from these hearings to the VSWCB during the Boards May 20, 2004 meeting.

SECOND: Mr. Maitland.

DISCUSSION: Ms. Hansen noted that the motion as presented required the appointment of a hearing officer.

AMENDMENT: Ms. Packard moved that the motion be amended under item #2 to read "A VSWCB Member as designated by the Chairman will serve as hearing officer for the two sessions."

SECOND: Mr. Johnson seconded the amendment.

VOTE: The amendment was approved unanimously. The amended motion reads as follows:

MOTION: Ms. Packard moved the recommended staff motion that with concurrence by Senior Assistant Attorney General Fred Fisher that the revised petition submitted by the City of Roanoke which now proposes realignment of the Blue Ridge SWCD (BRSWCD) by including solely the City of Roanoke and not including the city owned property of Carvins Cove, satisfies the requirements of state law, and with the concurrence of the BRSWCD directors that they support the revised petition, the Virginia Soil and Water Conservation Board approves the revised Roanoke City Petition as enabled by § 10.1-510 of the *Code of Virginia* and further directs:

- 1) DCR staff to plan and conduct two public hearings prior to May 1, 2004, one within the City of Roanoke and the other within the Rocky Mount area of Franklin County.

- 2) A VSWCB Member as designated by the Chairman will serve as hearing officer for the two sessions
- 3) DCR staff to publish required public notices of these meetings.
- 4) DCR staff to provide a summary report of the conclusions from these hearings to the VSWCB during the Boards May 20, 2004 meeting.

DISCUSSION: There was no further discussion.

VOTE: The motion, as amended, was approved unanimously.

New River SWCD Audit Situation

Mr. Meador informed Board members that the firm hired by DCR to conduct District audits was not able to complete the audit of the New River Soil and Water Conservation District due to inaccurate record keeping on the part of the District. Since that finding the District has endeavored to organize records and has retained the Auditor at District expense. A complete audit report is anticipated.

Mr. Meador noted it has been Board policy to withhold payment of District funds until audits are completed satisfactorily. Upon receipt of a completed audit report funds, including funds held would be disbursed to the District.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board direct the DCR staff to delay further funding administered through the Board's policy on Financial Assistance for Soil and Water Conservation Districts to the New River SWCD until that SWCD submits to DCR a satisfactory audit report for the past three fiscal years (FY01, FY02 and FY03).

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Dam Safety Certificates and Permits

Mr. Browning presented the following Out of Compliance dams.

05906	Lake Accotink	Class 1 Regular
05910	Lake Fairfax	Class 2 Regular

08703 Gillie Creek Class 2 Conditional

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board authorize DCR staff to work with the Attorney General's Office on drafting a letter that outlines the needed corrective measures to bring Gillie Creek Dam, Inventory Number 08703 into compliance with the Virginia Dam Safety Act and send the notification by certified mail to the Gumenick Properties Estate lawyer.

SECOND: Mr. Campen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Ms. Hansen moved that in the event the requested information regarding Lake Accotink Dam, Inventory Number 05906 and Lake Fairfax Dam, Inventory Number 05910 is not received by January 31, 2004 the Virginia Soil and Water Conservation Board authorize DCR staff to work with the Attorney General's Office on drafting a letter that outlines the needed corrective measures to bring the dams into compliance with the Virginia Dam Safety Act and send the notification by certified mail to the Fairfax County Park Authority.

SECOND: Mr. Campen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the following Operational and Maintenance Certificate Recommendations.

04902	Bear Creek	Class 3 Regular	1/31/2010
06922	Silver Lake	Class 2 Regular	1/31/2010
12701	Woodhaven	Class 2 Regular	1/31/2010
14103	Fairy Stone	Class 3 Regular	1/31/2010
14312	Arey	Class 3 Regular	1/31/2010
14505	Upper Beyers	Class 3 Conditional	7/31/2004
15302	T. Nelson Elliot	Class 1 Conditional	1/31/2006

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Operation and Maintenance Certificate

Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Johnson.

DISCUSSION: Mr. Maroon noted that because two of the dams in question belonged to the DCR Division of State Parks that he would abstain from the vote.

VOTE: Ayes 7
 Nayes 0
 Abstentions 1

Motion carried.

Mr. Browning presented the following list of Permit Recommendations:

07915	Green Mountain Lake	1 st Alteration Permit	1/23/04- 1/31/05
80019	Governor's Point Pond	Construction Permit	1/23/04- 1/31/06

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the Permit recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the following list of Extension Recommendations:

00908	Graham Creek Res.	Class 2 Regular	3/31/04*
01515	Camp Shenandoah	Class 2 Regular	3/31/04*
01519	Coles Run	Class 1 Regular	3/31/04*
01922	Ivy Hill	Class 1 Regular	3/31/04*
01932	Lake Ridge Drive	Class 3 Regular	3/31/04*
03102	Timber Lake	Class 2 Regular	3/31/04*
03111	Lakeland	Class 1 Regular	March 04
03507	Stewarts Creek	Class 1 Regular	3/31/04*

04905	Clements	Class 3 Regular	3/31/04*
05923	Pohick Creek Dam	Class 1 Regular	3/31/04*
06521	Fluvanna Women's Inst.	Class 3 Regular	March 04
06702	Upper Blackwater River	Class 1 Conditional	3/31/04*
07525	Lake Dillon	Class 3 Regular	March 04
07909	Reynolds Farm	Class 3 Regular	3/31/04*
09908	Darr Pond	Class 3 Regular	3/31/04*
10929	Woolfolks Dam #1	Class 3 Regular	3/31/04*
13502	Epes	Class 3 Regular	3/31/04*
13701	Lake of the Woods	Class 1 Conditional	March 04
13708	Keaton's Run	Class 1 Conditional	March 04
14321	Brushy Mountain	Class 3 Regular	03/31/04*
14718	Mottley	Class 3 Regular	March 04
14735	Bush River Dam	Class 1 Regular	03/31/04*
16308	Turner	Class 2 Regular	March 04
17101	Stoney Creek	Class 1 Conditional	May 04
17104	Woodstock	Class 1 Conditional	May 04
17908	Lake Arrowhead	Class 2 Regular	03/31/04*
19502	Big Cherry	Class 1 Conditional	March 04

*Extension action taken at December 10, 2003 meeting.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland

DISCUSSION: None.

VOTE: Motion carried unanimously.

Bylaws

Mr. App presented a draft of revisions to the Board Bylaws. He noted that the changes made were to bring the Bylaws up to date regarding changes in the *Code of Virginia*.

Discrepancies were noted between Board member appointment dates and the list of members as detailed in the Bylaws.

Mr. App agreed that staff would address these issues and be prepared to present the Bylaws again at the March meeting.

Partner Agency Reports

Natural Resources Conservation Service

Mr. Dorsett presented the written report of the Natural Resources Conservation Service. A copy is attached as Attachment #1.

Department of Conservation and Recreation

The Department of Conservation and Recreation did not give an additional report.

Public Comment

There was no public comment.

Other Business

Mr. Maitland noted that the Subcommittee on the Future of Districts would meet again prior to the March Board meeting.

Next Meeting Date

The next meeting of the Virginia Soil and Water Conservation Board will be Friday, March 19 at 9:30 a.m. DCR staff will secure a location.

Adjourn

There being no further business, the meeting was adjourned.

Respectfully submitted,

David L. Moyer
Chairman

Joseph H. Maroon
Recording Secretary

Submitted in writing by Ray Dorsett, NRCS

**NRCS Report
VA Soil and Water Conservation Board Meeting
January 23, 2004
Richmond, VA**

NRCS BUDGET

Yesterday, the Senate passed the “Omnibus” spending measure. At this time, we do not have details on the funding breakdown by program.

PROGRAMS

The first of 10 national CSP Listening Sessions was held in Virginia on January 13, 2004 in Roanoke, VA. Approximately 120 producers, conservation and agricultural groups attended the session. The Director of Congressman Goodlatte’s local office also participated. CSP is an entitlement program rewarding ongoing conservation stewardship.

The listening panel included NRCS Chief Bruce Knight, Deputy Chief Dwight Holman, Acting CSP Program Manager Craig Derickson, State Conservationist Denise Doetzer and FSA State Executive Director Jacquelin Easter. The CSP Proposed Rule was published in the January 2nd Federal Register. The rule remains open for public comment for 60 days.

CONGRESSMAN GOODE TO PARTICIPATE IN SIGNING CEREMONY

Congressman Virgil Good will join with federal, state and local officials, and the public in a ceremony to sign the completed plan for Marrowbone Creek Dam – Virginia’s first dam rehabilitation project. The ceremony will be held on February 19, 2004 at 10:00 a.m. in the Ridgeway Community of Henry County, VA. State Conservationist Denise Doetzer will join representatives from the Henry County Board of Supervisors and the Blue Ridge Soil and Water Conservation District in signing the plan.

The plan proposes raising the height of the dam and building a concrete emergency spillway. The event will help spotlight the importance of rehabilitating aging watershed structures. In Virginia, the Dam Safety Division of the Department of Conservation and Recreation has identified 16 dams needing rehabilitation with a cost in excess of \$10 million. Under the dam rehabilitation program, federal funds cover 65% of rehabilitation costs, with local sponsors responsible for the remaining 35%.

CONSERVATION SYSTEM GUIDES

We have just completed developing over forty conservation management systems, their component practices, and effects. These guides will make the estimated environmental performance outcomes of those planning activities available for internal uses, for other agency progress reporting, and for outcome modeling.

Conservation System Guidelines will give planners a powerful way to evaluate the effects of those systems as they develop conservation plans in our conservation planning software package entitled "ToolKit." Once completed and linked to ToolKit, these conservation management systems will provide key information regarding systems and their effects on specific resource concerns. An added benefit is that estimated conservation effects will be automatically incorporated into plans as they are formulated through our new upgraded Performance Reporting System.

PERSONNEL CHANGES

Three District Conservationists retired in January (Halifax – Russell Vaughan, Warrenton – George Sutton, and Accomac – Rick Dills). Herb Gillispie, Soil Scientist in the Lexington Progressive Soil Survey Office also retired in January.

Linda Ward, RC&D Secretary in the Eastern Shore Project Office resigned January 9, 2004.

Ron Wood will begin work on January 26 as a Soil and Water Conservationist on the State Resource Conservationist's Staff (from CBLAD). He will maintain our statewide technical materials electronically on the web (e-FOTG; etc.).